

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DEIDRA HUBAY, *et al.*

Plaintiffs,

vs.

JANELLE MARINA MENDEZ, *et al.*

Defendants.

2:19-cv-01327-NR

ORDER

AND NOW, this 9th day of April, 2020, as discussed during today's telephonic status conference, the Court **ORDERS** as follows with respect to the upcoming May 8, 2020 hearing on the parties' cross-motions for preliminary injunctions:

1. **Video Hearing.** In light of the ongoing public-health crisis related to COVID-19, the hearing will be conducted by video, using available courtroom technology. The Court will provide counsel with more detailed instructions closer to the hearing date.

2. **Motions to Compel.** The deadline for the parties to file any motions to compel related to the production of documents is extended until **April 17, 2020**. The parties are directed to meet and confer to resolve any disputes prior to filing any motion, and to certify that they have done so.

3. **Alternative Dispute Resolution.** The parties are directed to confer as soon as possible with their selected mediator, Tina Miller, to determine whether their scheduled mediation session can be (1) held sooner than May 7, 2020, and; (2) conducted remotely, by video or telephone, in light of the ongoing public-health crisis. The parties should file an amended ADR

stipulation indicating whether they are making any changes to the mediation date by **April 17, 2020**.

4. **Pre-Hearing Status Conference.** A pre-hearing telephonic (or video) status conference will be held at **2:00 p.m.** on **May 4, 2020** to discuss any logistical issues related to courtroom technology and any other outstanding issues that need to be resolved prior to the hearing. If possible, the status conference will be conducted using the same video technology that will be used for the hearing, and thus serve as a “test run” for counsel. The Court will issue access or dial-in instructions closer to the date.

5. **Joint Notice Regarding Hearing Procedures.** The parties shall file a joint notice by **April 17, 2020** indicating whether they wish to (1) conduct the entire hearing, including direct and cross examination of all witnesses, by video; or, instead, (2) submit witness declarations in lieu of direct examination and conduct only cross examinations by video.

6. **No Opening Statements.** Because the parties have already submitted pre-hearing briefs, there will be no need for opening statements at the hearing. The parties should assume that the Court has carefully reviewed their submissions and is familiar with their respective positions.

7. **Optional Closing Arguments.** The Court does not require closing arguments. However, each party will be allotted up to 15 minutes to present a closing argument at the conclusion of the hearing, if they so desire. Counsel may use exhibits, PowerPoints, or other demonstratives in closings, provided that the same have been given to opposing counsel beforehand.

8. **Use of Exhibits.** Because counsel will have previously marked and exchanged all exhibits, and provided copies to the Court, it is not necessary

to show exhibits to opposing counsel prior to using them. When presenting a new exhibit, counsel should clearly identify the exhibit they are referring to. Because the hearing will now be conducted remotely, counsel should confer and take steps to ensure that witnesses will have easy access to exhibits as they are presented during the hearing. For example, this may require mailing each witness an exhibit binder prior to the hearing. The parties are responsible for ensuring that exhibits can be efficiently presented to witnesses and the Court.

9. **Examination of Witnesses.** Co-counsel are not permitted to split up the examination of a witness.

10. **Objections.** Counsel should state the legal basis for any objection in a summary fashion (*e.g.* hearsay, lacks foundation, etc.). Speaking objections are not permitted. The Court will prompt counsel if further explanation or argument is required to resolve an objection.

Date: April 9, 2020

BY THE COURT:

s/ J. Nicholas Ranjan
United States District Judge